

REMARKS

In the Office Action mailed July 8, 2004, the Examiner withdrew claims 18 to 22 from consideration, rejected claims 1 to 3, 7 to 9, 12 to 14, and 17, and objected to claims 4, 5, 10, 11, 15, and 16. The rejections are respectfully traversed. This Response "A" cancels claims 18 to 22, amends claims 1, 6, 12, and 17, and adds new claims 23 and 24. Accordingly, claims 1 to 17, 23, and 24 are now pending in this application.

The examiner has required under 35 U.S.C. 121 an election of a single invention. The examiner indicated that there are two inventions: Invention I (claims 1 to 17); and Invention II (claims 18 to 22). Applicant confirms the election of Invention I (claims 1 to 17). Claims 18 to 22 have been cancelled without prejudice.

Claims 1 to 3, 6 to 9, 12 to 14, and 17 were rejected under 35 U.S.C. 102(b) as being unpatentable over Liu (US 20030051378A1) in view of Snidermann (US006265035B1). The examiner stated that it would have been obvious to one having ordinary skill in the art at the time of this invention was made to support the card taught by Liu upon a Christmas tree as taught by Snidermann to provide a means to enhance the aesthetic appearance of the tree.

Liu discloses a recreational card 10 which includes a card body 11 having a printed pattern on a surface thereof and at least one sticker 12 also having a printed pattern on a surface thereof and adhered to the card body 11 with an adhesive surface 122. A collector can remove the preprinted sticker 12, along with the adhesive surface 122, from the card body 11 and attach the sticker 12 in a desired place in his or her collection. The collector can then retain the preprinted card body 11 for use with games or collections. It is important to note that the stickers 12 are removed from the card body 11 along with the adhesive layer 122 so that the preprinted stickers can be adhered to other surfaces. This is a very different structure than the structure of the present invention which provides a plaque with an adhesive layer on a plate member so that a user can adhere their own picture onto the adhesive layer. The adhesive layer is preferably protected with a release layer for shipment, but the adhesive layer remains on the plate member when the release layer is removed to attach the picture.

Snidermann discloses a multi-piece ornament 10 having three pieces 12, 14, 16 which are nested together and cut from single blank of material. The pieces 12, 14, 16 can be suspended together on a Christmas tree. The first piece 12 is suspended from the tree using a swivel hook. The second and third pieces 14, 16 are suspended from the first piece 12 using a loop 22 of flexible material so that the pieces are “allowed some degree of rotation or swinging.” The loops 22 can be replaced with string, elastic cord, rubber bands, small swivel hooks or chains “that allow some degree of movement.” It is noted that the swivel hooks, loops and other identified structures permit limited rotation, that is, they permit rotation to some degree before the rotation is physically blocked or stopped. They do not permit continuous rotation in one direction or the other. For example, the swivel hook permits less than 180 degrees of rotation because of physical limits. Also for example, a rubber band winds-up until it must unwind in the other direction. This is very different from the present invention which provides a swivel which permits unlimited rotational movement of the plaque in either direction.

Independent claims 1 and 12, and claims dependent therefrom, are allowable because they each require “wherein the swivel permits unlimited rotational movement of the plaque in either direction upon application of external forces thereto”. No prior art of record reasonably discloses or suggests the present invention as defined by claims 1 and 12. It was the inventive insight of the present inventor that discovered that the unlimited motion provides an aesthetically pleasing means for suspending pictures that provides free motion like mobiles that freely rotate and sway depending on external forces applied thereto. Reconsideration and withdrawal of the rejection is requested.

Applicant acknowledges that original claims 4, 5, 10, 11, 15 and 16 were indicated to be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that the present amendment does not place the application in a condition for allowance, applicant's

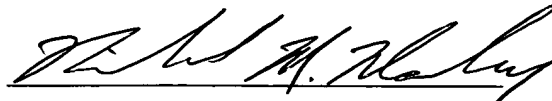
undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-2326.

Respectfully submitted,

PORTER, WRIGHT, MORRIS & ARTHUR LLP

September 24, 2004

A handwritten signature in dark ink, appearing to read "Richard M. Mescher", written over a horizontal line.

Richard M. Mescher, Reg. No. 38,242

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